



City of Seattle

Edward B. Murray, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Numbers: 3020551

Applicant Name: Seattle Pacific University

Addresses of Proposal: 371 West Ewing Street

SUMMARY OF PROPOSED ACTION

Land Use Application to excavate 2,000 tons of soil, to remove up to 750 tons of soil for off-site disposal, to remediate petroleum-contaminated groundwater, to install a bioremediation system, and to backfill the site with clean structural imported fill.

The following approval is required:

SEPA – Environmental Determination – pursuant to Seattle Municipal Code 25.05

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

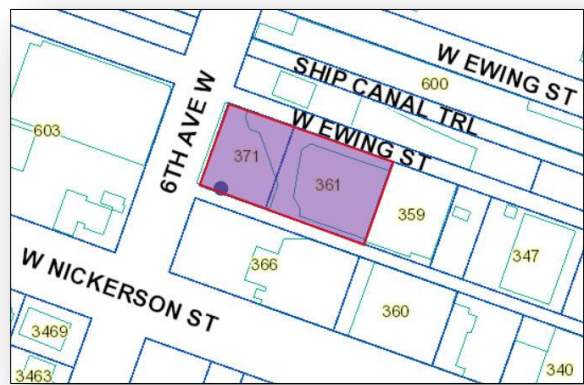
☐ DNS

BACKGROUND DATA

Site Location and Zoning

The project site is located on the north side of Queen Anne hill within an area bounded by 6th Avenue West on the west, West Ewing Street on the north, the alley between West Nickerson and West Ewing Street on the south and additional Seattle Pacific University parcels on the east.

The site is adjacent to the Seattle Pacific University Major Institution Overlay and is zoned Industrial Buffer (IB U/45) with a 45' height limit. The parcel does not include mapped or observed environmentally critical areas.



Site Area and Existing Uses/Conditions

The site is a vacant lot approximately 20,000 square feet in size, which was previously occupied by a now-demolished warehouse.

Project Description

Seattle Pacific University (SPU) has conducted a remedial investigation at the site. After completing Phase I and limited Phase II site assessments, SPU determined the site contains petroleum contaminated soil (PCS). SPU proposes to enter into the Washington State Department of Ecology Voluntary Cleanup Program (VCP) and conduct an environmental cleanup of the site. Approximately 2,000 tons of PCS from the site will be disposed at a licensed disposal facility in Washington State. Following removal of PCS, any petroleum-contaminated groundwater will also be remediated by pumping it into temporary holding tanks on the property, where it will be treated to King County standards before discharge into the sanitary sewer.

A bioremediation product will be placed in the excavation to enhance the remediation of groundwater. Clean structural, imported fill will be placed in the excavation, compacted and completed to the original grade. The excavated area will be covered with pervious gravel. No subsequent land use has been identified, and no improvements are anticipated at this time.

Activities that can be expected to occur during the cleanup include, but are not limited to the following:

- Installation of fencing and security lighting,
- Grading and/or fill,
- Utility capping, relocations or disruptions,
- Collection, storage, treatment, and discharge of construction water and/or ground water,
- Delivery and storage of construction materials and equipment,
- Access, egress, and storage of various types and sizes of vehicles,
- Removal of excavated site materials, and
- Final site restoration and landscaping.

The following equipment is likely to be utilized at the site:

Excavators, backhoes, front end loaders, dump trucks, delivery trucks; and compressors, hydration equipment (to further minimize dust-generation during the project), pumps, blowers, air monitoring equipment, and fans.

All activities and equipment that generate noise are subject to the City of Seattle Noise Control Ordinance (SMC 25.08).

The contractor will determine the most efficient layout for staging area access and will be responsible for obtaining approval for site access from SDOT.

Notice and Comment Period

Notice of the application was published on August 13th 2015. The required public comment period ended on August 26th 2015. The Land Use Application file is available at the Public

Resource Center located at 700 Fifth Ave, Suite 2000.¹ One person who works near the project site submitted a comment inquiring into the nature of contamination at the site and the measures the applicant intends to take to prevent health hazards to nearby workers. The applicant and its certified industrial hygiene (CIH) contractor Gib (Argus Pacific Incorporated) responded to her concerns.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in a draft environmental checklist submitted by the applicant, dated March 18th 2015. A final environmental checklist was submitted on June 29th 2015. The information in the checklist, supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *“Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

Short-term Impacts

The following temporary construction-related impacts are expected: increased noise during work hours from construction operations and equipment; minor increased traffic and parking demand from construction personnel; and consumption of renewable and nonrenewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794). These are not significant, minimally adverse impacts.

City codes and/or ordinances apply to the proposal and will provide adequate mitigation for some of the identified impacts. Specifically these are: 1) Grading and Drainage Control Ordinance, SMC 22.800 (storm water runoff, temporary soil erosion, and site excavation); and 2) Street Use Ordinance (tracking of mud onto public streets, and obstruction of rights-of-way during construction).

Drainage and Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cu. yds. of material. The current proposal involves grading of more than 100 cu. yds. of material, and the applicant has prepared a geotechnical report for the site. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

¹<http://www.seattle.gov/dpd/aboutus/whoweare/publicresourcecenter/default.htm>

Any additional information required to verify conformance with applicable ordinances and codes (The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) would be required prior to issuance of any required building permits or demolition permits.

Air Quality

The anticipated temporary particulate pollution from the project is minimal due to the high moisture content of the soil and the applicant's proposed use of additional water to minimize dust-generation during the project. A Washington State Department of Ecology approved Project Health and Safety Plan will be completed for this project to minimize potential exposure to petroleum odors from impacted soil on the site. SPU also proposes to retain health and safety professionals to observe the construction and monitor air quality during the clean-up. Additional SEPA mitigation of air quality impacts appears to be unwarranted.

Environmental Health

State law provides for the cleanup and appropriate disposal of hazardous substances. The Model Toxics Control Act (Chapter 70.105D RCW, WAC 173-340) is administered by the Washington Department of Ecology (DOE) and establishes processes and standards to identify, investigate, and clean up facilities where hazardous substances have come to be located. DPD hereby alerts the applicant to this law and provides a contact: Louise Bardy, lbar461@ecy.wa.gov, (525) 649-7209, DOE, (425) 649-7202.

Discharge of contaminated groundwater to the sewage system is regulated by the King County Department of Natural Resources under Public Rule PUT 8-14. A factsheet and permit application is available online or by calling (206) 263-3000. The applicant understands that project requires a water sewer discharge permit.

Disposal of contaminated fill is regulated by the City/County Health Department, contact: Dean Yasuda, dyas461@ecy.wa.gov, (425) 649-7264. For this project, the applicant has indicated there are no suitable facilities for disposal within King County, and the contaminated soils will be taken to an approved facility outside King County. (The following information will be included in the project's #6483057 grading permit submittal's Waste Diversion Form.) The contractor for this project (Kane Environmental, Inc.) will deliver the contaminated soil for cleansing/recycling to Cemex in Everett, Larry Baker, (425) 356-6619 or (425) 210-8429.

Existing regulations adequately address potential impacts to environmental health. No further conditioning of site cleanup or hazardous waste treatment is warranted pursuant to SEPA policies.

Construction Noise

As remediation proceeds, noise associated with construction activities at the site is anticipated to be minimal on the surrounding residential, commercial, and industrial uses. The Noise Ordinance is found to adequately mitigate the potential noise impacts, subject to the following condition pursuant to the SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B):

All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) and shall be limited to non-holiday

weekdays from 7 a.m. to 7 p.m. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restrictions may be authorized by DPD when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours or weekend days must be submitted to the **Noise Abatement Coordinators** (as noted in the conditions) at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Street and Sidewalks

The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation. It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

In this case, adequate mitigation is provided by the Street Use Ordinance, which regulates and provides for accommodating pedestrian access. Therefore, additional mitigation under SEPA is not warranted.

Parking

Offsite parking in the vicinity of the site is constrained by daytime/nighttime uses and the busy arterials. On-street parking is currently well utilized, but does not appear to be saturated during nighttime hours. For surrounding uses, daytime on-site parking appears to be generally available.

Only minimal off-site construction parking is likely needed on the surrounding areas during construction, because construction related parking will be available on the site within the project boundaries. This construction-related impact is likely to be relatively minor and of short duration. DPD therefore determines that no further mitigation is warranted in this regard.

Construction Parking

During construction, parking demand will increase due to additional use by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities. Construction workers can be expected to arrive in early morning hours and to leave in the mid-afternoon. Surrounding residents generate their peak need for on-street parking in the evening and overnight hours when construction workers can be expected to have departed. SEPA mitigation of parking impacts during construction appears to be unwarranted.

Truck Traffic

Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. Traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated in part by enforcement of SMC 11.62. This immediate area is subject to traffic congestion during the PM peak hours, and large trucks turning onto arterial streets would further exacerbate the flow of traffic. Pursuant to SMC 25.05.675 B (Construction Impacts Policy) and SMC 25.05.675 R (Traffic and Transportation) additional mitigation is warranted.

The construction activities will require the export and import of material from the site will generate truck trips to and from the site. In addition, delivery of other construction materials to the site will generate truck trips. As a result of these truck trips, a temporary adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations. Assuming contractors use double loaded trucks to export and import grade/fill material, with each truck holding approximately 20 cu. yds. of material, the project is estimated to require 100 truckloads.²

For the duration of the grading activity, the applicant(s) and/or responsible party(ies) shall cease truck trips during the hours between 4 PM and 6 PM on weekdays. This condition will assure that truck trips do not interfere with daily PM peak traffic in the vicinity. As conditioned, this impact is sufficiently mitigated in conjunction with enforcement of the provisions of SMC 11.62.

City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these include: the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of short-term impacts and no further conditioning is warranted by SEPA policies.

Construction activities, primarily vehicular trips associated with the project and the project’s energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Land Use

The proposed construction is not anticipated to interrupt any existing land use, and no post-project land use has been identified. No mitigation is warranted pursuant to SEPA policy.

² Currently estimated at 1,000 cu. yds. of exported materials and 1,000 cu. yds. of imported materials.

CONCLUSION - SEPA

In conclusion, several temporary adverse effects on the environment are anticipated resulting from the proposal. These impacts are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible DPD official and lead for determining project conditions as may be required based on authority granted by SEPA. The completed environmental checklist and other information is on file with DPD. This information constitutes the Threshold Determination. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

CONDITIONS – SEPA

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the grading permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

The owner(s) and/or responsible party(s) shall:

During Demolition, Grading, or Building Permit

1. Large trucks (greater than two-axle) shall be prohibited from entering or exiting the site between 4:00 and 6:00 p.m.
2. All construction activities are subject to the limitations of the Noise Ordinance.³ Construction activities shall be limited to Monday thru Friday between the hours of 7:00 am and 7:00 pm. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Construction activities outside the above-stated restriction may be authorized by DPD when necessitated by unforeseen construction, safety, or street-use related situations. Requests for extended construction hours are weekend days must be submitted to **Noise Abatement Coordinators** – David George david.george@seattle.gov (206) 684-7843 or Jeff Stalter jeff.stalter@seattle.gov (206) 615-1760 or James Dasher (james.dasher@seattle3.gov, (206) 615-1190 – at least three (3) days in advance of the requested dates in order to allow DPD to evaluate the request.

Signature: Betty Galarosa for Date: September 14, 2015
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

³ Including but not limited to demolition, grading, deliveries, framing roofing, and painting.

CRV:bg

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.